



**MINUTES
STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, AUGUST 25, 2010**

MEMBERS: AMY ALBERTINI, LPN; DEBORAH ARCHULETA, RN; PEGGY BUDAI, RN, NP; LISA DAVIS, RN; VICKI ERICKSON, PhD, NP, RN; CAROLYN JEFFERSON-JENKINS, PhD; PATRICIA MCGUIRE CULLEN, PhD, NP; CURTIS POWELLS, RN; EVA TAPIA, MSN, RN, NP; BETTY WOLFE, LPN; AND BART WRITER

MEMBERS EXCUSED: AMY ALBERTINI, LPN

PRESIDING: VICKI ERICKSON, PhD, NP, RN, PRESIDENT

COUNSEL: LAYNIE GILIDA, ASSISTANT ATTORNEY GENERAL; ERIC MAXFIELD, 1ST ASSISTANT ATTORNEY GENERAL

STAFF: KENNETHA JULIEN, PROGRAM DIRECTOR; RICHARD MORALES, HEALTH CARE SECTION DIRECTOR; MARK MERRILL, HEALTH SERVICES SECTION DIRECTOR; AND BRIAN PARK, ADMINISTRATIVE MANAGER

CONVENE AND ROLL CALL (9:03 A.M.)

Vicki Erickson, President, called the meeting to order and conducted a roll call of the Board members present. Vicki Erickson gave a special introduction for the two newly appointed board members present, Patricia McGuire Cullen and Eva Tapia. The Board members present introduced themselves to the audience.

1. APPROVAL OF MINUTES (9:05 A.M.)

After discussion, a motion was made, seconded and carried to approve the minutes of the April 28, 2010 Full Board meeting.

2. PROGRAM DIRECTOR'S REPORT (9:08 A.M.)

Kennetha Julien, Program Director, gave a report to the Board regarding her attendance at the NCSBN annual meeting and provided an update on her transition as the program director.

3. INTRODUCTION OF BARBARA KELLEY, EXECUTIVE DIRECTOR

4. POLICY CHANGES (9:23 A.M.)

The Board reviewed a Memorandum from Kennetha Julien, Program Director outlining the proposed changes to the following Board policies:

40-11 Title: Release of Active Complaint and Investigatory Information to Other State, Canadian or U.S. Territorial Licensing Boards.

Purpose: To authorize staff to release active complaint information and to transmit confidential investigatory materials to other licensing boards upon request.

After discussion, a motion was made, seconded and carried to adopt Policy 40-11: Designation of Complementary Rules and Regulations as amended.

40-12 Title: Release of Investigatory File Information to Governmental and Law Enforcement Agencies

Purpose: To provide notice to licensees and the public regarding the Board's process for reviewing requests for release of investigatory file information.

After discussion, a motion was made, seconded and carried to adopt Policy 40-12: Designation of Complementary Rules and Regulations as amended.

40-13 Title: Guidelines Regarding Practice Coverage Outside of Normal Office Hours

Purpose: To provide guidance to advanced practice nurses (APN) concerning the Board's expectations with respect to practice coverage and the communication of coverage arrangements to patients.

After discussion, a motion was made, seconded and carried to adopt Policy 40-13: Designation of Complementary Rules and Regulations as amended.

5. CERTIFIED REGISTERED NURSE ANESTHETISTS (CRNA) INQUIRY (9:40 A.M.)

On August 25, 2010 at 9:42 A.M., the Full Board voted to enter into Executive Session in order to discuss with counsel pending or imminent court action involving the Board as a party or information or legal issues that are subject to the attorney-client privilege; pursuant to §§24-6-402(3)(a)(II) and (III), and 13-90-107(1)(b) C.R.S. After discussion, at 10:06 A.M., the Full Board left Executive Session and returned to open session.

The Full Board reviewed and discussed a letter from Governor Ritter, which included two questions for consideration and response by the State Board of Nursing.

Question One, "According to your understanding, is opting out of the physician's supervision requirement for [Colorado's Rural and Critical Access] hospitals consistent with state law?"

After Board review and discussion, the Board voted unanimously that a decision by the Governor to opt out of the physician supervision requirement is consistent with the Nurse Practice Act, found in Title 12 of Article 38 of the Colorado Revised Statutes. After further discussion, the Board recommended that opting out of the physician supervision requirement should not be limited to Colorado's Rural and Critical Access Hospitals, but should apply to all hospitals and facilities within Colorado.

Question Two, "Do you believe opting-out of the physician supervision requirement is in the best interest of Colorado residents?"

After Board review and discussion, the Board voted unanimously that opting out of the physician supervision requirement is in the best interest of Colorado residents.

The Board delegated authority to Kennetha Julien, Program Director, to draft and sign a letter to Governor Ritter to include the response of the Board on this matter.

RECESS (10:25 A.M.)

The Board took a brief recess and then reconvened the meeting at 10:35 A.M.

CRNA Matter Continued

Program Director Julien requested direction from the Board. Board gave clarification on guidance to Program Director.

6. OPEN FORUM (10:45 A.M.)

Testimony was given to the Board as follows:

1. Ruben Martinez, Vice-President for Operations, Florida Hospital College of Health Sciences, Orlando, FL addressed the Board regarding Phase I application.
2. Terri Sandoval, Administrative Assistant, Academy of Medical & Health Science, addressed the Board regarding Phase IV application.
3. Betty Bailey, College Campus Chair, University of Phoenix, addressed the Board regarding return to Full Approval.
4. Janice Floyd, Nursing Chair, Colorado Technical University, addressed the Board regarding proposed curriculum.
5. Shari Redden, Director of Nursing, Concorde Career College, addressed the Board regarding Full Approval – ADN, and Accreditation – PN.
6. Barbara White, Dean, Nursing and Science, Colorado Christian University, addressed the Board regarding interim approval of their baccalaureate program.
7. Candace Pritchard, Director of Nursing, and Lori Harris, Program Director, Pickens Technical College, addressed the Board regarding NCLEX pass rates and Candidacy rates.
8. Denise Root, Director of Nursing, Otero Junior College, addressed the Board regarding faculty waivers.
9. Deb Banik, Dean of Nursing, Denver School of Nursing, addressed the Board regarding student clinical hours, faculty qualifications, and withdrew a request for waiver.
10. Janet Deutsch, Adjunct Faculty, Denver School of Nursing, addressed the Board regarding a request for waiver.

7. NURSING EDUCATION REPORTS (11:05 A.M.)

The Board reviewed Memorandums from Roberta Hills, Nursing Education Specialist regarding the following:

7.1 Phase I Applications

- Florida Hospital College of Health Sciences, Denver Campus—BSN hybrid

After Board review and deliberation on documents and materials presented, the Board voted to grant Phase I Recognition pending the College's ability to sufficiently address the questions posed as a result of reviewing the evaluation data submitted.

7.2 Phase II Applications

(No applications were submitted)

7.3 Phase III Applications

➤ National American University, Denver Campus– ADN

After Board review and deliberation on documents and materials presented, the Board voted to accept data and analysis of graduates that the University submitted and require that National American nursing education program identify and implement a new data collection strategy to improve the response rate of graduates and employers.

➤ Colorado Technical University, Pueblo Campus– ADN

After Board review and deliberation on documents and materials presented, the Board voted to accept the revised curriculum the University submitted for the associate degree in nursing program pending the University sufficiently addressing clinical hours which must meet the definition of clinical and syllabi edits.

7.4 Full and Continuing Full Approval (Phase IV Applications)

Phase IV Full Approval

➤ School of Nursing at Platt College, Aurora, CO BSN

After Board review and deliberation on documents and materials presented, the Board voted to grant Platt College School of Nursing Phase IV Full Approval for the baccalaureate degree in nursing education program for five (5) years.

➤ Concorde Career College, Aurora Campus ADN

After Board review and deliberation on documents and materials presented, the Board voted to grant Concorde Career College associate degree in nursing program Phase IV Full Approval for five (5) years.

➤ Colorado Christian University, Western Center, Grand Junction CO LPN – ADN

After Board review and deliberation on documents and materials presented, the Board voted to grant Phase IV Full Approval to the LPN to ASN nursing education program in Grand Junction pending the University revising the nursing policies to be compliant with Federal Rules and Regulations.

➤ Academy of medical and Health Sciences, Pueblo CO -- PN

After Board review and deliberation on documents and materials presented, the Board voted to deny the Phase IV application for Full Approval, and withdrew their Interim Approval, authorized no new admissions, and asked that the Academy of Medical and Health Sciences develop a teach-out plan for the current students in the program.

Continuing 5 Year Approval site visits (Chapter II Section 5.1 & 5.2)

➤ Front Range Community College Boulder Campus

After Board review and deliberation on documents and materials presented, the Board voted to accept the results of the NLNAC commissioner's decision not to exceed Fall 2011 in lieu of a Board site visit.

7.5 Conditional Approval

➤ University of Phoenix, Lone Tree Campus LPN to BSN

After Board review and deliberation on documents and materials presented, the Board voted to deny restoration of Full Approval and continue Conditional Approval based on new material presented and a need to comply with Board Rules by 12/31/10 as the LPN to BSN nursing education program at the University had not provided complete evidence so compliance with the Nurse Practice Act and the Chapter II Rules and Regulations could be established.

7.6 NCLEX-RN Pass Rates

➤ Colorado Northwestern Community College, Craig, CO– ADN

After Board review and deliberation on documents and materials presented, the Board voted to accept the progress report on the implementation of the action plan, the additional actions taken by the College and continued monitoring of the NCLEX-RN pass rates at such time the eight (8) quarter average reaches 75%.

RECESS (11:55 A.M.)

The Board took a brief recess and then reconvened the meeting at 12:04 P.M.
(Nursing Education and Nurse Aide Training agenda items were continued.)

WORKING LUNCH (12:05 P.M.)

10. NURSING PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE PROGRAM QUARTERLY REPORTS AND PRESENTATION FROM DR. LORI CRANE

Rebecca Heck, BSN, RN, MPH, Director presented and answered questions on the submitted quarterly reports from Peer Assistance Service (PAS). Rebecca Heck also provided a PAS report and inservice on language and documents used by PAS in oversight of Nurses within the program.

11. SEX OFFENDER INSERVICE (1:00 P.M.)

Presented by Walter Simon, PhD

12. RULEMAKING HEARING: CHAPTER XII – RULES AND REGULATIONS FOR CNA MEDICATION AIDE TRAINING PROGRAMS (2:07 P.M.)

The Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony regarding proposed Chapter XII rules.

No additional staff testimony was presented during the Rulemaking Hearing.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral or additional written testimony was given by the public during the Rulemaking Hearing.

At 2:10 P.M. having no public testimony the Hearing was closed. The Board entered into a work session in order to discuss proposed amendments to the Chapter XII rules.

At 2:20 P.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter XII – Rules and Regulations for the CNA Medication Aide Training Programs.

13. RULEMAKING HEARING: CHAPTER XIX – RULES AND REGULATIONS FOR THE CERTIFIED NURSE AID IN RELATION TO MEDICATION AIDE AUTHORITY (2:23 P.M.)

The Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed amendments to the Chapter XIX rules.

Written testimony from the public was received prior to the Rulemaking Hearing as follows:

Ellen Caruso, Executive Director, Home Care Association of Colorado, gave oral testimony concerning Rule XIX.

Theresa McCoy, Administrator, Covenant Care at Home, gave oral testimony concerning Rule XIX.

Staff testimony was given by memorandum by Rita Postolowski, Licensing and Contracts Manager.

On August 25, 2010 at 2:34 P.M., the Full Board voted to enter into Executive Session in order to discuss with counsel pending or imminent court action involving the Board as a party or information or legal issues that are subject to the attorney-client privilege; pursuant to §§24-6-402(3)(a)(II) and (III), and 13-90-107(1)(b) C.R.S. After discussion, at 2:44 P.M., the Full Board left Executive Session and returned to open session.

At 2:46 P.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss proposed amendments to the Chapter XIX rules.

At 2:58 P.M., after discussion, a Motion was made, seconded and carried to close public testimony and table the rulemaking work session until the October Full Board meeting allowing for full consideration of the written proposed changes submitted by public attendees during the public testimony session.

RECESS (2:58 P.M.)

The Board took a brief recess and then reconvened the meeting at 3:00 P.M.

7. NURSING EDUCATION REPORTS RESUMED (3:00 P.M.)

7.7 Waiver Requests

Faculty Waivers

- Colorado Christian University Traditional BSN program, Northglenn, CO

After Board review and deliberation on documents and materials presented, the Board voted to deny the request for a permanent waiver of the graduate degree in nursing for Kathy Olsen.

➤ Denver School of Nursing BSN and ADN programs, Denver, CO

After Board review and deliberation on documents and materials presented, the Board voted to deny the waiver for Dr. Lyman Spaulding.

➤ Denver School of Nursing BSN and ADN programs, Denver, CO

After Board review and deliberation on documents and materials presented, the Board voted to accept the request for withdrawal of a faculty waiver for Mr. Thomas Drury.

➤ Denver School of Nursing BSN and ADN programs, Denver, CO

After Board review and deliberation on documents and materials presented, the Board voted to accept the request for withdrawal of a faculty waiver for Ms. Janet Deutsch.

➤ Otero Junior College ADN

After Board review and deliberation on documents and materials presented, the Board voted to grant a time limited faculty waiver contingent on demonstrating continued enrollment in the Bachelor of Science Program that bridges to a Master of Science Program for Ms. Glenda DeLeon.

➤ Otero Junior College ADN

After Board review and deliberation on documents and materials presented, the Board voted to grant a faculty waiver contingent on demonstrating continuous enrollment in the Bachelor of Science Program that bridges to a Master of Science Program for Ms. Tehana Cox.

7.8 Other Business

➤ Denver School of Nursing ADN and BSN program proposed admissions

After Board review and deliberation on documents and materials presented, the Board voted to table the decision until the next Full Board Meeting scheduled for October 27, 2010.

Accreditation Issues

➤ Pikes Peak Community College, Colorado Springs ADN

After Board review and deliberation on documents and materials presented, the Board voted to accept the plan of action and congratulated the college in its achievement at attaining Candidacy Status with NLNAC.

➤ Emily Griffith Opportunity School, Denver, CO PN

After Board review and deliberation on documents and materials presented, the Board voted to accept the plan of action and congratulated the school in its achievement at attaining Candidacy Status with NLNAC.

➤ Concorde Career College, Aurora, CO PN

After Board review and deliberation on documents and materials presented, the Board voted to accept the college's plan of action and expects that the Practical Nursing Education program will attain the required Candidacy status by January 1, 2011.

➤ Lamar Community College, Lamar, CO ADN

After Board review and deliberation on documents and materials presented, the Board voted to accept the plan of action submitted and the joint site visit with NLNAC in lieu of a separate Board five (5) year continuing approval site visit.

➤ Pickens Technical College, Aurora, CO PN

After Board review and deliberation on documents and materials presented, the Board voted to deny the NLNAC timeline for Candidacy presented which was contingent upon the Board removing Conditional Approval and restoring Full Approval.

➤ Platt College School of Nursing Aurora, CO BSN Curriculum Change

After Board review and deliberation on documents and materials presented, the Board voted to accept the proposed curriculum change for the becalaureate degree in nursing education program.

(Board Member Curtis Powell recused himself on this agenda item due to conflict of interest.)

7.9 Education Notes

(None Submitted)

8. NURSE AIDE TRAINING PROGRAMS REPORT

The Board ratified the decisions made by Shannon St. Hilaire, Compliance Investigator.

9. QUARTERLY BOARD OF NURSING AND NURSE AIDE ADVISORY COMMITTEE STATISTICAL REPORTS

The Board reviewed and noted the following quarterly statistics:

1. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the NAAC Quarterly Report for April 2010 through June 2010
2. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the Panel Quarterly Report for April 2010 through June 2010
3. Memorandum from Terrie Miller, Enforcement Manager with attachments including the Enforcement Unit Quarterly Report for April 2010 through June 2010
4. Office of the Attorney General - Quarterly Case Statistics Summary Report April 2010 through June 2010

14. OTHER BUSINESS

No other business

There being no further business, the State Board of Nursing adjourned the meeting at 4:00 P.M.

Vicki Erickson, PhD, NP, RN, President
Colorado State Board of Nursing